

REMARKS

The present application relates to a porous fiber.

Claims 1 - 4, 6 - 8, and 10 - 13 are pending, claims 11 - 13 are withdrawn, and claims 1 - 4, 6 - 8, and 10 are rejected. On pages 2 - 3 of the Office Action, the Examiner noted that four JP documents submitted with the Information Disclosure Statement filed August 13, 2008, without English translations or abstracts, were placed in the file but not considered. On page 3 of the Office Action, claims 1 and 6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. On page 4 of the Office Action, claims 1 - 3 and 6 - 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al (U.S. 4,919,809) ("Yamamoto"). On page 5 of the Office Action, claims 4 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Contemporary Biomaterials edited by Boretos et al ("Boretos").

Applicant amends claims 1 and 6 to add the units "g/mol." Support for this amendment is found, for example, at page 7, lines 19 - 20 of the specification.

No new matter is added, as explained below.

Applicant attaches a Supplemental IDS and PTO/SB/08 form, requesting consideration of the documents listed therein.

Applicant's Response To the § 112 Rejection

Applicant amends claims 1 and 6 to indicate that the "number-average molecular weight" has units of "g/mol."

"An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize

the existence of error in the specification, but also the appropriate correction.”

See MPEP § 2163.07. Here, the above amendments to claims 1 and 6 merely correct an obvious omission that does not constitute new matter, because one skilled in the art would recognize that “molecular weight,” including “number-average molecular weight,” must have the dimensions of g/mol or amu. See, for example, Brown, Theodore and Eugene LeMay, Jr., “Chemistry: The central science,” Prentice-Hall, NJ, second edition, page 72 and page 258 (attached). Applicant submits that the above amendments are proper and obviate the § 112 rejection, second paragraph, of claims 1 and 6.

Applicant’s Response To the § 103 Rejections

Applicant respectfully submits that Yamamoto does not render the presently claimed invention obvious, because there is no teaching, suggestion, motivation, or other reason to modify Yamamoto to reach the presently claimed invention. The difference between the presently claimed invention and that of the primary reference, Yamamoto, lies in the average fiber diameter. As can be seen in Table 1 of Yamamoto, the diameter of Yamamoto’s hollow fibers is at least 207 micrometers. See Table 1 of Yamamoto (Example 7 gives $185\text{ }\mu\text{m}$ inner diameter + $(2 \times 11\text{ }\mu\text{m})$ thickness of fiber) = $207\text{ }\mu\text{m}$). One of ordinary skill in the art would not have been motivated to reduce the average fiber diameter to 0.7 - 20 micrometers, because one of ordinary skill in the art had to keep Yamamoto’s function as an artificial kidney membrane. Namely, the narrower the inner diameter of Yamamoto’s hollow fiber is, the greater the fluid resistance to blood flow passing through (inside) the hollow fiber becomes. If anything, this intended purpose might be a counter-motivation for one of ordinary skill in the art to produce a

hollow fiber having a finer diameter, such as 20 micrometers. In other words, Yamamoto had already performed optimization of his hollow fiber with regard to the diameter and there was no room for further optimization as a hollow fiber for an artificial kidney membrane.

Moreover, it would have been quite difficult for one of ordinary skill in the art to have produced a hollow fiber having a diameter of less than 20 micrometers, because the production method of Yamamoto utilized "a double orifice spinneret" (see Example 1), which cannot easily produce a fine hollow fiber whose diameter is less than 20 micrometers.

Applicant also respectfully submits that the Examiner has not met the burden of establishing a *prima facie* case of obviousness, because the Examiner did not explain why one of ordinary skill in the art would have been motivated to alter the *hollow* fiber of Yamamoto into the *non-hollow* fiber of the present invention. See Abstract of Yamamoto. A hollow fiber is crucial for Yamamoto's artificial kidney membrane.

Therefore, Applicant respectfully submits that the cited references do not render claims 1 - 4, 6 - 8, and 10 obvious.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local, D.C. telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/544,112

Attorney Docket No.: Q88453

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

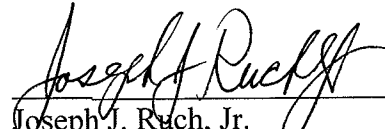
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